

Attorney Docket No. 10559-177001
Serial No. 09/771,374
Amendment dated July 21, 2004
Reply to Office Action dated April 21, 2004

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-17 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. In response, new claims 18, 19 and 20 are substituted for the respective independent claims, and obviate the objections thereto.

Claims 1-15 stand rejected under 35 USC 102(b) as allegedly being anticipated by Hegde. It is respectfully suggested, however, that as amended, the claims are completely patentable over Hegde.

Hegde does teach a system in which arbitration between different devices is maintained according to a bandwidth allocation system. Column 5, lines 45-52, explains his bandwidth manager. A running tally of bandwidth percentage is maintained; see generally, column 6, lines 57-67. The system operates by using the table to determine which process gets the next "tick" of CPU bandwidth based on the tally. A process is only allowed to use its allocated bandwidth. Once that process has used its allocated bandwidth, other processes will get priority until they have used their allocated bandwidth.

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As amended, claim 18 defines an additional aspect which is in no way taught or suggested by Hegde. Specifically, claim 18 defines not only a bandwidth but also an access priority which can be low or high. Moreover, claim 18 defines the concept of an access period. It appears that Hegde does not use an access period, but rather keeps a running tally of bandwidth in the table, so that each process receives its scheduled percentage of CPU bandwidth. When a process is below its allocated bandwidth, it is allocated some resources from the CPU. Each time the process is allocated resources from the CPU, its percentage value in the table increases, allowing another process to get access. Nowhere is there any teaching or suggestion, however, of the claimed "access cycle" and the way in which this is used especially along with the high and low priority requests.

According to the present system, the access cycle defines the time period within which all the values must be satisfied. Within an access cycle, first the high priority requests are handled. Once all high priority requests are handled, and each of the high priority requests have gotten their allocated share of bandwidth, only then are the lower priority requests handled. Once the lower priority requests are handled, the access cycle is over, and the values are renewed. This is a very different system than Hegde which simply maintains a percentage count in

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the table, and determines which process is entitled to the next bit of CPU resources, based on the percentage. In such a system, there is no way of separating high priority from low priority; there is only a way of separating high bandwidth allocation from low bandwidth allocation. In contrast, the present system enables handling the high priority requests prior to handling the low priority requests.

Each of the claims have been amended to emphasize this feature, and, as amended, it is respectfully suggested that all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

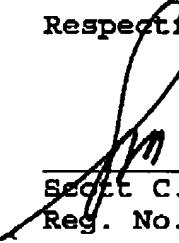
It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Respectfully submitted,

Date: July 21, 2004


Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer Number: 20985
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10418165.doc